

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

4:12-CR-3048

vs.

TROY SMITH, JR.,

ORDER

Defendant.

The defendant in this case has admitted to violating the conditions of his supervised release. Although the Court believes the defendant is competent to make such an admission, the Court believes that further information regarding his mental status is needed to determine the proper disposition of this case. Therefore, the Court will order a psychiatric and psychological examination of the defendant pursuant to [18 U.S.C. § 3552\(c\)](#) and [18 U.S.C. § 4244\(b\)](#). As a result, adjudication and disposition will be continued to await the results of the examination.

IT IS ORDERED:

1. The United States Bureau of Prisons shall designate a medical center for federal prisoners at which the defendant shall be examined pursuant to this order. Upon such designation, the defendant, who is in custody, shall be transported by the United States Marshal to the place designated by the Bureau of Prisons. The defendant shall remain at the medical center until released to the United States Marshal for return to Nebraska.
2. Pursuant to [18 U.S.C. § 3552\(c\)](#) and [18 U.S.C. § 4244\(b\)](#), the Bureau of Prisons shall evaluate the defendant and determine: (a) the defendant's present mental condition; (b) what treatment considerations should be addressed at sentencing to reduce the likelihood that the defendant will violate his conditions of release or commit another offense in the future. The Bureau of Prisons shall provide the Court with a written report in accordance with [18 U.S.C. §](#)

4247(c)(1)-(3) & (4)(E) and the terms of this order. The evaluation shall be submitted to the Court and counsel within 60 days of the defendant being delivered to the medical center.

3. The defendant's counsel shall promptly provide the probation officer with copies of any evaluations or medical records counsel has in her possession. The probation officer shall provide the medical center with those materials together with all other materials the officer believes will assist the medical center in conducting the evaluation, including any presentence report or probation adjustment reports.
4. The probation officer assigned to this case, Met Gallagher, is asked to facilitate the implementation of this order and coordinate this case with the Bureau of Prisons.
5. Disposition of this proceeding is continued until further order of the Court. Upon receipt of the report from the Bureau of Prisons, the Court will enter an order setting a Violation of Supervised Release Hearing.
6. Copies of this order shall be provided to counsel of record, the United States Marshal, and the Office of Probation and Pretrial Services.
7. The Clerk of the Court is directed to set a case management deadline for November 21, 2016, with the following docket text: Check status of defendant's evaluation pursuant to September 21 order.

Dated this 21st day of September, 2016.

BY THE COURT:



John M. Gerrard
United States District Judge